



# Peckar & Abramson

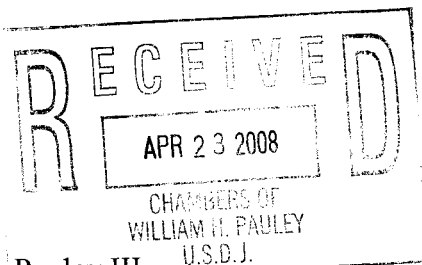
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VIA FEDEX

April 22, 2008

Honorable William H. Pauley III  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



**MEMO ENDORSED**

**Re: Underpinning & Foundation Skanska, Inc. v. Travelers Casualty & Surety Co. of America**  
**Docket No. 07 CV 7348 (WHP)**  
**Our File No. 1490/173520**

*Application granted.*  
**SO ORDERED:**

Dear Judge Pauley:

*[Signature]*  
WILLIAM H. PAULEY III U.S.D.J.  
4/28/08

This office represents the plaintiff in the above-referenced action. I am writing to Your Honor concerning the scheduling of the mediation, which was ordered by the Court. The Case Administrator, Maria Sciafani, has assigned a mediator for this action and has scheduled the mediation to take place on May 1, 2008. I respectfully request that the mediation be postponed until a date after June 1, 2008 for two reasons.

First, my client has been engaged in direct settlement discussions with Urban Foundation/Engineering, LLC, the party with whom the underlying contract was signed and the principal on the surety bond that is the subject of this action. A further settlement meeting between them will take place sometime in May. These discussions have been proceeding on a 'business to business' level, i.e., without attorneys. My client believes that continuing those discussions on that basis is the best way to attempt to resolve this dispute at this time. My client would like to reserve a mediation with the participation of the attorneys for the parties as an alternative route to settlement if those direct discussions do not result in a resolution.

The second reason for my request is that I believe that a mediation would be more productive after discovery is farther along than it is at present. We are still at the stage of exchanging documents. Once the parties have all of the pertinent documents, the attorneys would be in a position to make informed analyses of the

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Honorable William H. Pauley III

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claims and defenses, which, I believe, would lead to a more reasoned discussion at a mediation.

Respectfully,

A handwritten signature in black ink, appearing to read "Alan Winkler", with a large, sweeping flourish at the end.

ALAN WINKLER

AW:cs

cc: Maria Sclafani (via facsimile)

Frank T. Cara, Esq. (via e-mail)

Stanley Merjan, P.E. (via e-mail)

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